

MAY/25/2004/TUE 09:18 AM

DILLON & YUDELL, LLP

FAX No. 5123436446

P. 001

DILLON & YUDELL LLP
ATTORNEYS AT LAW

RECEIVED
CENTRAL FAX CENTER
MAY 25 2004

OFFICIAL

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Examiner K. Lin	Antony P. Ng, Reg. No. 43,427
COMPANY:	DATE:
U. S. Patent and Trademark Office	5/25/04
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
703.872.9306/Central No.	433
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	UK9-99-004
RE:	YOUR REFERENCE NUMBER:
Notice of Appeal & Brief	09/477,389

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Please see the attached, including (3) sets of the Appeal Brief in the above-noted Application No.

Respectfully submitted,
Antony P. Ng

This fax from the law firm of Dillon & Yudell LLP contains information that is confidential or privileged, or both. This information is intended only for the use of the individual or entity named on this fax cover letter. Any disclosure, copying, distribution or use of this information by any person other than the intended recipient is prohibited. If you have received this fax in error, please notify us by telephone immediately at 512.343.6116 so that we can arrange for the retrieval of the transmitted documents at no cost to you.

8911 N. CAPITAL OF TEXAS HWY., SUITE 2110, AUSTIN, TEXAS 78759
512.343.6116 (V) • 512.343.6446 (F) • DILLONYUDELL.COM

OFFICIAL RECEIVED
CENTRAL FAX CENTER

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MAY 25 2004

Attorney Docket No.: UK9-99-004

In re Application of:

KNOX ET AL.

Serial No.: 09/477,389

Filed: 4 JANUARY 2000

For: **WIRELESS CONNECTION FOR
PORTABLE SYSTEMS AND NETWORK
ADAPTERS USING WAKE-UP
REQUESTS**

§
§
§
§
§
§
§
§
§
§
§

Examiner: LIN, K.

Art Unit: 2154

APPEAL BRIEF

MS Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Brief is submitted in triplicate in support of the Appeal in the above-identified application.

**CERTIFICATE OF TRANSMISSION
37 CFR 1.8(a)**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date below.

5/25/04
Date

Wiley J. Digoway
Signature

TABLE OF CONTENTS

TABLE OF CONTENTS	2
REAL PARTY IN INTEREST	3
RELATED APPEALS AND INTERFERENCES	3
STATUS OF THE CLAIMS	3
STATUS OF AMENDMENTS	3
SUMMARY OF THE INVENTION	3
ISSUE	4
GROUPING OF THE CLAIMS	4
ARGUMENT	4
I. <i>Connery</i> does not teach or suggest the claimed control means	5
II. Neither <i>Connery</i> nor <i>Angelo</i> teaches or suggests the claimed network adapter	6
III. The claimed network adapter and the claimed network adapter are located in separate computer systems	7
CONCLUSION	8
APPENDIX	9

REAL PARTY IN INTEREST

The present application is assigned to International Business Machines Corporation, the real party of interest.

RELATED APPEALS AND INTERFERENCES

No related appeal is presently pending.

STATUS OF THE CLAIMS

Claims 1-4 stand finally rejected by the Examiner as noted in the Final Office Action dated March 18, 2004, and in the Advisory Action dated April 28, 2004.

STATUS OF AMENDMENTS

No amendment was submitted subsequent to the Office Action dated November 20, 2002.

SUMMARY OF THE INVENTION

A portable computer has four typical power management states: a normal operating state, a standby state, a suspend state, and an off state. The normal operating state of a portable computer is virtually identical to the normal operating state of a conventional desktop computer. The standby state consumes less power than the normal operating state; however, most applications are left idle during the standby state. In the suspend state, the portable computer consumes an extremely small amount of power. In the off state, the power supply ceases providing regulated power to the portable computer. The off state of a portable computer is virtually identical to the off state of a conventional desktop computer.

Computer theft has been becoming a widespread problem, particularly for portable computers because they can be easily removed from buildings, cars, etc. One of the major concerns related to a stolen portable computer is that the person who has the possession of the stolen portable computer is able to freely obtain information from the portable computer. A portable computer that requires a password for access may add some level of protection to the portable computer, but such password protection can easily be overcome by an experienced

computer hacker. Consequently, it would be desirable to provide an improved security measure for portable computers.

In accordance with a preferred embodiment of the present invention, a data processing network includes a server computer system 20 and a portable client computer system 30, as shown in Figure 2. Portable client computer system 30 is capable of wirelessly communicating with server computer system 20 via a wireless link 50, as depicted in Figure 2. Connected to server computer system 20, a control means can issue a wake-up request to portable client computer system 30 via wireless link 50 to switch portable client computer system 30 from a suspend state or an off state to a normal operating state. In addition, the control means can also issues a request to portable client computer system 30 via wireless link 50 to disable portable client computer system 30. In response to the above-mentioned request to disable portable client computer system 30, a network adapter 137, which is connected to portable client computer system 30, disables portable client computer system 30 from any further operations. As such, information cannot be extracted from portable client computer system 30 in the case when portable client computer system 30 is in the possession of an unauthorized user.

ISSUE

Is the Examiner's rejection of Claims 1-2 and 4 under 35 U.S.C. § 103(a) as being unpatentable over *Connery et al.* (US 6,311,276) in view of *Angelo et al.* (US 6,418,533) well-founded?

GROUPING OF THE CLAIMS

For purposes of this Appeal, Claims 1-4 stand or fall together as a single group.

ARGUMENT

The Examiner's rejection of Claims 1-2 and 4 are not well-founded and should be reversed.

I. *Connery* does not teach or suggest the claimed control means

Claim 1 recites "a control means, connected to said server computer system, for issuing a wake-up request to said portable client computer system via a wireless connection to switch said portable client computer system to a normal operating state from a low-power or off state, and for issuing a request to said portable client computer system via said wireless connection to disable said portable client computer system" (lines 5-9). Thus, the claimed control means within a server computer system is capable of issuing a wake-up request to a portable client computer system via a wireless connection to switch the portable client computer system from a low-power or off state to a normal operating state. The claimed control means is also capable of issuing a request to the portable client computer system via the wireless connection to disable the portable client computer system.

On page 3 of the Final Office Action, the Examiner asserts that the request issuing function of the claimed control means is disclosed by *Connery* in col. 1, lines 17-20 and col. 5, lines 11-26. Col. 1, lines 17-20 of *Connery* states that "in complex network environments, many of the end stations are turned off at night or at other times when they are not in use, either manually or automatically by power management circuits." Col. 5, lines 11-26 of *Connery* teaches "a power management circuit 30 that allows a personal computer to go completely asleep, that is without power to the CPU, or to go to various levels of reduced functionality and power consumption depending on the particular environment of the device."

The claimed control means is distinguished from *Connery*'s power management circuit 30 because *Connery*'s power management circuit 30 is located within an end station (see Figure 2) instead of within a server computer system, as claimed. Furthermore, in addition to the above-mentioned teachings, *Connery* continues to disclose a Wake On LAN network interface card 31 that "allows the system to receive Wake On LAN packets across the medium 33, and in response to issue signals to the power management circuitry 30, which results in waking up the CPU, or otherwise bringing up the to allow functions specified by the network management system to be performed" (col. 5, lines 26-32). Thus, *Connery* teaches the waking up of a computer that has gone asleep and not the disabling of the portable client computer system, as claimed. *Angelo*

does not teach or suggest the claimed control means either. Because the cited references, whether considered separately or in combination, do not teach or suggest the claimed invention, the § 103 rejection is improper.

II. Neither Connery nor Angelo teaches or suggests the claimed network adapter

Claim 1 also recites "a network adapter, connected to said portable client computer system, for disabling said portable client computer system from further operations in response to said request" (lines 10-11). Thus, the claimed network adapter within a portable client computer system is capable of disabling the portable client computer system from further operations in response to a request (lines 8-9) from the claimed control means.

On page 3 of the Final Office Action, the Examiner asserts that the claimed network adapter is disclosed by *Connery* in col. 1, lines 17-20, 28-30 and col. 5, lines 11-26. As mentioned previously, the above-cited passages of *Connery* generally teaches a power management circuit 30 that allows a personal computer to go completely asleep or to go to various levels of reduced functionality and power consumption depending on the particular environment of the device. But such teachings are different from the claimed network adapter that is "capable of disabling said portable client computer system from further operations in response to said request" (emphasis added).

On page 6 of the Final Office Action, the Examiner also asserts that the claimed network adapter is disclosed by *Angelo* in col. 3, lines 8-9, 33-37, col. 4, lines 28-30 and col. 5, lines 36-39. Basically, *Angelo* teaches "an electronic option circuit 295 for receiving current location information from a worldwide positioning system and selectively enabling or disabling operation of the computer system." Thus, *Angelo*'s electronic option circuit 295 selectively enables or disables operations of a computer system in response to a current location information from a worldwide positioning system instead of responding to a request from the control means within the server computer system, as claimed. Because the cited references, whether considered separately or in combination, do not teach or suggest the claimed invention, the § 103 rejection is improper.

III. The claimed network adapter and the claimed network adapter are located in separate computer systems

Claim 1 recites "a control means, connected to said server computer system" (line 5). Claim 1 also recites "a network adapter, connected to said portable client computer system" (lines 10). Hence, the claimed control means is located in a computer system different from that for the claimed network adapter. Neither *Connery* nor *Angelo* teaches or suggests each of the claimed network adapter and the claimed network adapter to be located in a separate computer system. Because the cited references, whether considered separately or in combination, do not teach or suggest the claimed invention, the § 103 rejection is improper.

CONCLUSION

For the reasons stated above, Appellants believe that the claimed invention clearly is patentably distinct over the cited references and that the rejections under 35 U.S.C. § 103 are not well-founded. Hence, Appellants respectfully urge the Board to reverse the Examiner's rejection.

Please charge the IBM Deposit Account 50-0563 in the amount of \$330.00 for submission of a Brief in support of Appeal. No additional fee or extension of time is believed to be required; however, in the event an additional fee or extension of time is required, please charge that fee or extension of time requested to the IBM Deposit Account 50-0563.

Respectfully submitted,



Antony P. Ng
Registration No. 43,427
BRACEWELL & PATTERSON, LLP
111 Congress Avenue, Suite 2300
Austin, Texas 78701
512.542.2134

ATTORNEY FOR APPELLANTS

APPENDIX

1. A data processing network comprising:

a server computer system;

a portable client computer system capable of wirelessly communicating with said server computer system;

a control means, connected to said server computer system, for issuing a wake-up request to said portable client computer system via a wireless connection to switch said portable client computer system to a normal operating state from a low-power or off state, and for issuing a request to said portable client computer system via said wireless connection to disable said portable client computer system; and

a network adapter, connected to said portable client computer system, for disabling said portable client computer system from further operations in response to said request.

1 2. The data processing network of claim 1, wherein said wireless connection is a satellite
2 data link.

1 3. The data processing network of claim 1, wherein said wireless connection is a Digital
2 Enhanced Cordless Telecommunications (DECT) link.

1 4. The data processing network of claim 1, wherein said wake-up request includes a
2 Wake-on-LAN frame.